

# AMERICANS ARRESTED IN TURKEY: ANDREW BRUNSON AND OTHERS





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# WHO WE ARE

AST is a 501(c)(3) Not for Profit charitable and educational organization based in NJ exclusively for defending human and civil rights.

To address all human rights violations in Turkey regarding civil, political, economic, social and cultural as contained in the basic human rights documents.

To prevent genocide, crime against humanity, arbitrary detention, torture and ill treatment, discrimination and to defend right to life, rule of law, right to privacy, freedom of expression, freedom of thought, conscience and religion, freedom of associations.

To utilize all human rights advocacy tools, mechanisms, and systems that can possibly be used to protect and promote the human rights of those whose voices are being silenced in Turkey and beyond.

To hold accountable the perpetrators of Human Rights in Turkey and beyond together with the opportunity for victims to obtain justice and reparation, in order to do so, it uses the power of the law to fight the impunity of perpetrators, accomplices and instigators of crimes, defends the interests of victims before national and international courts and brings cases before the appropriate international human rights bodies, in close collaboration with its local partners and the victims to get authorities to take firm action against violations.





# AMERICANS ARRESTED IN TURKEY: ANDREW BRUNSON AND OTHERS

#### 1. Introduction

Especially after the corruption investigations that were launched at the end of 2013, the Turkish government started targeting the Hizmet Movement (also known as The Gulen Movement) claiming that the group was behind these investigations. The corruption case was about members of the ruling party and their family members including sons of cabinet ministers. Even more, the case was allegedly reaching out to then prime-minister Recep Tayyip Erdogan and his son Bilal Erdogan. The situation got even worsened after the failed coup attempt that happened on July 15, 2016. Erdogan, now the president, has been accusing the Movement of masterminding the coup attempt, whereas the Movement has been strongly denying their involvement. The state of emergency was declared to weather the storm; however, it was then transformed to a tool to justify the government's strict measures. Main group attacked has been the Hizmet Movement, nonetheless, many people from other dissident groups have also been suffering from the government's practices. Excessive numbers of people belonging to dissident groups have either been arrested, imprisoned, faced torture during imprisonment or dismissed from their jobs. There have also been other examples of human rights violations such as asset seizure, passport cancellations, and psychological pressure. Not only real persons but also legal entities founded by dissidents were targeted and shut down by decree laws adopted without parliamentary and judicial oversight during the state of emergency.

Erdogan's government does not only target Turkish citizens but also people from other nationalities who reside legally in Turkey. The situation raises concern about the non-citizens' human rights in relation to detention and arrest. Main principle of the rights of non-citizens has been seen as the principle of equality, meaning that state must treat non-citizens as same with their citizens. However, recently this understanding has started to change and there have been new and higher standards protecting aliens. The principle of non-discrimination protects non-citizens ensures non-citizens a more flexible area to live that they can enjoy similar standards both socially and economically. This document will refer to human rights documents protecting the rights of non-citizens in terms of detention and then will include the stories of foreign citizens have been either taken into custody or arrested. In addition, arrested consular officials of the US Consulates will be mentioned despite the fact that they should have been treated with diplomatic respect.



### 2. Arresting Aliens in terms of Human Rights Law

#### 2.1 International Standards by the United Nations

Right to liberty and security is protected under Article 9 of the International Covenant on Civil and Political Rights (ICCPR) which is the core document protecting human rights around the world. This rule prohibits arbitrary detention and stipulates that depriving someone from his or her liberty can only be done under the law. Article 9 also



prescribes other safeguards such as that everyone arrested must be informed of the reasons of his or her arrest and be "brought promptly" before the court. According to the text of ICCPR Article 9, "everyone" is protected under this rule which, as suggested by General Comment No. 35, includes "aliens" as well. Besides this reference, the UN also protects the rights of non-citizens by specific documents such as the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live. <sup>4</sup> According to the Declaration's Article 5(1)(a), "no alien shall be subjected to arbitrary arrest or detention, no alien shall be deprived of his or her liberty except on such grounds and in accordance with such procedures as are established by law." The Declaration's text proposes that aliens must get the same treatment in terms of the right to liberty as nationals of the country in which they live.<sup>5</sup> Just as everyone, aliens must also enjoy their freedom from torture and other kinds of inhuman and degrading treatment which is also specified under non-derogable rights, meaning that in any situation a person cannot be deprived of them. In case of detention, aliens have the right to contact their consular officials and they must also be informed about this right by the receiving state. 6 Not only their consular officials, detained non-citizens must also have a right to contact their families. They must also be given a right to "legal assistance" as well as to "challenge their detention." Lastly, the UN Committee on the Elimination of Racial Discrimination requires states to "ensure that non-citizens detained or

<sup>&</sup>lt;sup>1</sup> ICCPR, Article 9: 1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him. 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement. 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful. 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

<sup>&</sup>lt;sup>2</sup> The term "alien" is defined as "non-national".

<sup>&</sup>lt;sup>3</sup> UN Human Rights Committee (HRC), *General comment no. 35*, *Article 9 (Liberty and security of person)*, 16 December 2014, CCPR/C/GC/35, available at: <a href="http://www.refworld.org/docid/553e0f984.html">http://www.refworld.org/docid/553e0f984.html</a> [accessed 5 October 2018].

<sup>&</sup>lt;sup>4</sup> Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, G.A. res. 40/144, annex, 40 U.N. GAOR Supp. (No. 53) at 252, U.N. Doc. A/40/53 (1985).

<sup>&</sup>lt;sup>5</sup> "Study Guide: The Rights of Non-Citizens." *University of Minnesota Human Rights Center*, 2003, <a href="http://hrlibrary.umn.edu/edumat/studyguides/noncitizens.html">http://hrlibrary.umn.edu/edumat/studyguides/noncitizens.html</a>

<sup>&</sup>lt;sup>6</sup> UN Office of the High Commissioner for Human Rights (OHCHR), *The Rights of Non-Citizens*, 2006, HR/PUB/06/11, available at: <a href="http://www.refworld.org/docid/46ceabb22.html">http://www.refworld.org/docid/46ceabb22.html</a>[accessed 5 October 2018], p. 15. <sup>7</sup> *Ibid.*, p. 6



arrested in the fight against terrorism are properly protected by domestic law that complies with international human rights, refugee, and humanitarian law."8

#### 2.2 European Standards

Similar to the ICCPR, the European Convention on Human Rights (ECHR) is also applicable to everyone including aliens regardless of their nationality. Thus, ECHR Article 5 prevents states from detaining non-citizens unlawfully and arbitrarily. Only exception allowing states to allow arresting an alien is the case of unlawful entry to its territory in ECHR Article 5(1)(f). Still, states' power to arrest non-nationals is not limited. Detention must take place in accordance with law and be necessary in a democratic society. Article 5 also provides other safeguards aliens are entitled to. For instance, all detainees must be "informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him", "brought promptly before a judge", "entitled to trial within a reasonable time", "entitled to take proceedings" challenging his arrest" and lastly must have an "enforceable right to compensation." These rights are also reinforces by the European Court of Human Rights. The European Union (EU) also sets similar standards in the Charter of Fundamental Rights of the EU.

### 3. The Situation in Turkey

Despite all the international standards set forth by the international community on the detention of aliens, there are at least six foreign citizens who are now jailed in Turkey. In addition to all other human rights violations directed to Turkish nationals, Turkey has been receiving international attention because of arresting foreign citizens. The story of those six individuals will be detailed out on the following pages, with clues about the current state of the Turkish justice system.

#### 3.1 American Citizens

#### 3.1.1 Andrew Brunson, Evangelical Pastor

The Evangelical Pastor Andrew Craig Brunson, an American citizen, was taken into custody in October 2016 in Izmir, Turkey where he has been living for more than 23 years and serving as the Izmir zResurrection Church's pastor. His wife was initially taken together with him, before she was released after 13 days of detention. Brunson was also charged with having links with the Hizmet Movement among other



<sup>&</sup>lt;sup>8</sup> UN Committee on the Elimination of Racial Discrimination (CERD), *CERD General Recommendation XXX on Discrimination Against Non Citizens*, 1 October 2002, available at: <a href="http://www.refworld.org/docid/45139e084.html">http://www.refworld.org/docid/45139e084.html</a> [accessed 5 October 2018].

<sup>&</sup>lt;sup>9</sup> Council of Europe Publishing, *The position of aliens in relation to the European Convention on Human Rights*, 2007, Human rights files No. 8, available at: <a href="https://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-08(2007).pdf">https://www.echr.coe.int/LibraryDocs/DG2/HRFILES/DG2-EN-HRFILES-08(2007).pdf</a>, p. 9

<sup>&</sup>lt;sup>10</sup> *Ibid.*, p.28

<sup>&</sup>lt;sup>11</sup> ECHR, Articles 5(2) - (5).



things such as being a spy.<sup>12</sup> His arrest has been a huge diplomatic problem between the U.S. and Turkish governments. Since then, he was imprisoned till July 2018 when he was put under house arrest due to health issues.<sup>13</sup> He was facing up to 35 years of imprisonment. His last trial was on October 12, 2018. His lawyer also applied to the Constitutional Court recently. The judgement of both courts were expected heatedly. In the last trial on October 12, 2018, the court convicted Brunson and sentenced him to more than three years of imprisonment. At the same time, the court considered the time he was jailed pending trial, suspended the rest of his sentence, and decided to release him as well as to revoke his probation and travel ban. After his release, Brunson immediately left Turkey and came to the United States.<sup>14</sup>

The US Department of State has been making press statements many times continuously asking the Turkish government to release Brunson, however, there have not been any change for a long time. Moreover, Turkish President Erdogan suggested that they could free Brunson if the US extradites the leader of the Movement, Fethullah Gulen, a Muslim cleric who has been living in self-imposed exile in the U.S. for almost 20 years. He has been blamed by Erdogan for the coup attempt in July 2016. Among many official who denied those requests that are not evidence-based, the State Department spokesperson Heather Nauert said explicitly in daily briefing that "I can't imagine we would go down that road." Many US diplomats stated that Brunson was wrongfully arrested various times and asked the Turkish government for his release. Even more, President Trump said Ankara has "acted very, very badly." After his release and arrival to the US, Brunson was hosted at White House and he prayed for President Trump. 17

Relations between two NATO allies have not been this bad for a long time. The US has been imposing financial sanctions on Turkey, which are considered as a response to Brunson's arrest by the American government. Erdogan has implicitly referred to these sanctions in his speech in the UN General Assembly blaming the US of creating chaos. Because of such sanctions and bad governance, Turkish currency lira has been losing its value swiftly. Erdogan has also said "I call out to those in the United States. It is a shame. You are trading a strategic NATO ally for a priest." <sup>18</sup>

<sup>13</sup> "U.S. Pastor Andrew Brunson Appeals for Freedom to Turkey's Highest Court." CBS News, 3 Oct. 2018, www.cbsnews.com/news/us-pastor-andrew-brunson-appeal-turkey-high-court-house-arrest/.

<sup>&</sup>lt;sup>12</sup> Gall, Carlotta. "Americans Jailed After Failed Coup in Turkey Are Hostages to Politics." *The New York Times*, 7 Oct. 2017, <a href="https://www.nytimes.com/2017/10/07/world/europe/turkey-american-detainees.html">www.nytimes.com/2017/10/07/world/europe/turkey-american-detainees.html</a>.

www.cbsnews.com/news/us-pastor-andrew-brunson-appeal-turkey-high-court-house-arrest/.

14 "Pastör Andrew Brunson Kimdir: Türkiye-ABD Ilişkilerinde Kriz Yaratan Davada Hüküm Ve Tahliye - BBC News Türkçe." BBC News, 12 Oct. 2018, <a href="www.bbc.com/turkce/haberler-turkiye-43782841">www.bbc.com/turkce/haberler-turkiye-43782841</a>. "Andrew Brunson: Trump Meets US Pastor Freed by Turkey." BBC News, 13 Oct. 2018, <a href="www.bbc.com/news/world-europe-45842735">www.bbc.com/news/world-europe-45842735</a>.

<sup>&</sup>lt;sup>15</sup> "Turkey's Erdogan Links Fate of Detained U.S. Pastor to Wanted..." *Reuters*, 29 Sept. 2017, www.reuters.com/article/us-usa-turkey-cleric/turkeys-erdogan-links-fate-of-detained-u-s-pastor-to-wanted-cleric-gulen-idUSKCN1C31IK.

<sup>16 &</sup>quot;Trump Says Turkey Has Acted Badly in Brunson Case." *Reuters*, 17 Aug. 2018, <u>www.reuters.com/article/ukturkey-currency-usa/trump-says-turkey-has-acted-badly-in-brunson-case-idUSKBN1L21PT.</u>

<sup>&</sup>lt;sup>17</sup> Holpuch, Amanda. "US Pastor Freed from Turkey Prays with Trump at White House." *The Guardian*, 13 Oct. 2018, www.theguardian.com/us-news/2018/oct/13/andrew-brunson-pastor-turkey-trump-white-house-prayer.

<sup>&</sup>lt;sup>18</sup> Stanglin, Doug. "Trump Warns Turkey after Court Rejects Freedom for US Pastor." *USA Today*, 17 Aug. 2018, www.usatoday.com/story/news/world/2018/08/17/u-s-pastor-turkish-court-rejects-freedom-cleric-backed-trump/1017464002/.



#### 3.1.2 Serkan Golge, Scientist

American citizen Serkan Golge, the father of two, physics scientist from the University of Houston who was also working for NASA on a project investigating Mars was on vacation in Turkey when he was taken into custody in August, 2016, following the coup attempt. <sup>19</sup> His detention was also because of the same reason, having links with the Hizmet Movement. Evidence the police collected indicating that he was a member of a terrorist organization was a \$1 bill. <sup>20</sup> The police presented a witness to the court who said "I have no evidence, only suspicions, since he works in the U.S., I thought he could be working for the CIA." Golge denied any affiliation with a terrorist organization, however, on February, 2018 he was convicted to 7.5 years of prison. According to the U.S. Department of State, there was no credible evidence proving the accusations. <sup>22</sup>



#### 3.1.3 Clyde Forsberg, Academic



Clyde Forsberg, and American scholar was detained in August, 2016 in Turkey. Similar to others, he was accused of abetting a terrorist organization. Following his post on social media of his own poem, he was first suspended from Karabuk University. Then, he was arrested and dismissed from his job. 23 The police took him when he was on the bus coming to his house in Karabuk and dragged him off the bus. He said he never received any document in English notifying him of possible charges and accusation. 4 Forsberg was scared due to possible public reaction because both local and general media published his name and citizenship as well as implied that he was an American terrorist. Therefore, he left the country immediately after his release and said "I was arrested because I was an American." 25 He believes that he could have ended up in prison for years like Brunson and was just lucky to be released.

<sup>&</sup>lt;sup>19</sup> Dewan, Angela. "In the Crosshairs: The Americans Detained in Turkey." *CNN*, 11 Oct. 2017, https://edition.cnn.com/2017/10/11/europe/turkey-us-visa-arrests/index.html.

<sup>&</sup>lt;sup>20</sup> Bohn, Lauren, and Tugba Tekerek. "On a Mission to Mars, Imprisoned in Turkey." *Foreign Policy*, 30 June 2017, <a href="https://foreignpolicy.com/2017/06/30/on-a-mission-to-mars-imprisoned-in-turkey/">https://foreignpolicy.com/2017/06/30/on-a-mission-to-mars-imprisoned-in-turkey/</a>.

<sup>&</sup>lt;sup>22</sup> "Department Press Briefing - February 08, 2018." U.S. Department of State, 8 Feb. 2018, www.state.gov/r/pa/prs/dpb/2018/02/278099.htm.

<sup>&</sup>lt;sup>23</sup> Redden, Elizabeth. "A Foreign Academic Briefly Detained in Turkey Tells His Story." *Inside Higher Ed*, 31 Aug. 2016, <a href="https://www.insidehighered.com/news/2016/08/31/foreign-academic-briefly-detained-turkey-tells-his-story">www.insidehighered.com/news/2016/08/31/foreign-academic-briefly-detained-turkey-tells-his-story</a>.

<sup>24</sup> *Ibid*.

<sup>&</sup>lt;sup>25</sup> Gall, Carlotta. "Americans Jailed After Failed Coup in Turkey Are Hostages to Politics." *The New York Times*, 7 Oct. 2017, www.nytimes.com/2017/10/07/world/europe/turkey-american-detainees.html.



#### 3.1.4 Ismail Kul, Academic, and his brother Mustafa Kul, Real Estate Agent



Two American citizens, Ismail Kul and Mustafa Kul were taken in August 2016 in Bursa while on vacation, Turkey. Both are accused of being members of the Hizmet Movement. In his statement before the court, one of the brothers, Ismail Kul said a member of the Erdogan's party introduced him to Mr. Gulen. He was released earlier this year, but the judge imposed a ban on him leaving the country. Thus, he cannot go back to his home in the U.S. where he has been living for more than 25 years.<sup>26</sup>

#### 3.2 Officials of the US Consulates

Turkish government has also questionably imprisoned three consular officials Hamza Ulucay, Metin Topuz, and Nazmi Mete Canturk. Even though these individuals are not American citizens, it is appropriate to include them here as they were officials of the US Consulate who should be treated accordingly. Even though they are not immune to be arrested, consular officials should have been under some type of specia 1 protection as diplomatic officials under the Vienna Convention on Diplomatic Relations.<sup>27</sup>

#### 3.2.1 Hamza Ulucay, Translator at the US Consulate in Adana

Ulucay was detained on February, 2017 in Adana (southern city of Turkey) for having links with a terrorist organization. <sup>28</sup> Ulucay has been working for the U.S. Consulate in Adana for almost 40 years as a translator. When the police went to his house to detain him, he was at the Consulate building. While leaving the premises, he was taken. Evidence that the police collected at the house search "showing" his links included \$1 bills which Erdogan claims to be signal for links with the Hizmet Movement. He was accused of having links both with the Hizmet Movement and PKK. <sup>29</sup> Ulucay was first released on probation, however, the prosecutor objected to the court. He was then detained again almost two weeks later which was followed by his arrest. <sup>30</sup> Lastly, his demand for release was again denied by the court in his trial on November 7, 2018. <sup>31</sup>

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<sup>&</sup>lt;sup>26</sup> Jovanovski, Kristina. "Wife of NASA Scientist Jailed in Turkey 'Frustrated' by Trump's Focus on Pastor's Case." *NBCNews*, 30 July 2018, <a href="www.nbcnews.com/news/world/nasa-scientist-s-wife-frustrated-trump-s-focus-pastor-s-n895681">www.nbcnews.com/news/world/nasa-scientist-s-wife-frustrated-trump-s-focus-pastor-s-n895681</a>.

United Nations, Vienna Convention on Consular Relations, 24 April 1963, available at: <a href="http://www.refworld.org/docid/3ae6b3648.html">http://www.refworld.org/docid/3ae6b3648.html</a> [accessed 8 October 2018].

<sup>&</sup>lt;sup>28</sup> "US Consulate Employee in Turkey's Adana Arrested over PKK Links - Turkey News." *Hürriyet Daily News*, 7 Mar. 2017, <a href="https://www.hurriyetdailynews.com/us-consulate-employee-in-turkeys-adana-arrested-over-pkk-links-110524">https://www.hurriyetdailynews.com/us-consulate-employee-in-turkeys-adana-arrested-over-pkk-links-110524</a>.

<sup>&</sup>lt;sup>29</sup> PKK is a political armed group declared as a terrorist organization both by Turkey and the United States. It is mostly active in the southeast region of Turkey whereas carrying out attacks across the country.

<sup>30</sup> *Ibid*.

<sup>31 &</sup>quot;ABD Adana Konsolosluğu Tercümanı Hamza Uluçay'ın Yargılanması - Mardin Haberleri." *Habertürk*, 7 Nov. 2018, <a href="www.haberturk.com/mardin-haberleri/16848411-abd-adana-konsoloslugu-tercumani-hamza-ulucayin-yargilanmasi">www.haberturk.com/mardin-haberleri/16848411-abd-adana-konsoloslugu-tercumani-hamza-ulucayin-yargilanmasi</a>.



#### 3.2.2 Metin Topuz, Official at the US Consulate General in Istanbul

Topuz was working in the department of Drug Enforcement Administration in the U.S. Consulate General in Istanbul for more than three decades. He was detained on September, 2017 for espionage and having alleged connections with the Hizmet Mo vement. His arrest created more turbulence over the U.S.-Turkey relations than Ulucay's. The American government announced to immediately suspend issuing all types of non-immigrant visas which was responded likewise by the Turkish government. According to pro-government newspaper Sabah, Topuz was arrested because of helping "Gulenists" to escape from Turkey. As stated in media, he had some connections with police officers and public officials from different departments, most of whom are now arrested due to Hizmet links. It is quite surprising that the government sees these connections as a proof to arrest him, whereas it might even have been a part of his job as an official working in the Drug Enforcement Administration in the U.S. Consulate.

#### 3.2.3 Nazmi Mete Canturk, Employee at the US Consulate General in Istanbul

Another employee of the U.S. Consulate in Istanbul, Nazmi Mete Canturk, was also taken on January, 2018 over alleged Hizmet links and has been under house arrest since then. Before he turned himself in, his wife and daughter were detained to be questioned about about his whereabouts as well as for Hizmet links.<sup>34</sup> They were released on probation and they cannot travel abroad. They need to present themselves at the police station every week.<sup>35</sup> Unreasonableness of the investigations is visible in purported evidence that they had an account at Bank Asya, a bank that has been operating legally in Turkey which is claimed to be owned by members of the Hizmet Movement.<sup>36</sup>

#### 3.3 Corrupted Justice System

Especially after Andrew Brunson's release, there has been real criticisms about the justice system in Turkey. Whereas all members of the ruling party and pro-government media have been accusing Brunson harshly as being a terrorist and a spy, by the time his trial approached they all adopted a very soft attitude. The news agencies where referring to him as "Terrorist and Spy Brunson" but

<sup>&</sup>lt;sup>32</sup> DeYoung, Karen, and Kareem Fahim. "U.S.-Turkey Tensions Boil over after Arrest of Consulate Employee." *The Washington Post*, 9 Oct. 2017, <a href="www.washingtonpost.com/world/turkey-summons-another-us-consulate-employee-as-crisis-deepens/2017/10/09/5fbaecf6-ac7b-11e7-9b93-b97043e57a22\_story.html?utm\_term=.b5cbd9cbf8b7.">www.washingtonpost.com/world/turkey-summons-another-us-consulate-employee-as-crisis-deepens/2017/10/09/5fbaecf6-ac7b-11e7-9b93-b97043e57a22\_story.html?utm\_term=.b5cbd9cbf8b7.</a>

<sup>&</sup>lt;sup>33</sup> "Arrested US Consulate Staffer Metin Topuz Gives Additional Testimony - Turkey News." *Hürriyet Daily News*, 1 Dec. 2017, <a href="www.hurriyetdailynews.com/arrested-us-consulate-staffer-metin-topuz-gives-additional-testimony-123353">www.hurriyetdailynews.com/arrested-us-consulate-staffer-metin-topuz-gives-additional-testimony-123353</a>.

<sup>&</sup>lt;sup>34</sup> "US Consulate Employee 'under House Arrest' in Turkey since January: State Media - Turkey News." *Hürriyet Daily News*, 11 Feb. 2018, <u>www.hurriyetdailynews.com/us-consulate-employee-under-house-arrest-in-turkey-since-january-state-media-127108</u>.

<sup>35 &</sup>quot;Metin Topuz'un Ifadesi Etkili Oldu: ABD'nin Konsolosluk Görevlisine Ev Hapsi." *Diken*, 11 Feb. 2018, www.diken.com.tr/metin-topuzun-ifadesi-etkili-oldu-abdnin-konsolosluk-gorevlisine-ev-hapsi/.

<sup>36 &</sup>quot;Aranan ABD Konsolosluk Çalışanı 1 Ay Önce Teslim Edilmiş... Cantürk Ev Hapsinde Çıktı." Cumhuriyet, 10 Feb. 2018

www.cumhuriyet.com.tr/haber/turkiye/923493/Aranan ABD konsolosluk calisani 1 ay once teslim edilmis... C anturk\_ev\_hapsinde\_cikti.html.



suddenly changed their wording to "Mr. Brunson" as if they were ordered not to go harsh on him. Turkish President Erdogan referred to his case several times in his speeches and claimed that the judiciary is independent in Turkey and that he cannot interfere with the case. However, after sanctions and pressures by the American government, secret witnesses in the case said they would not know Brunson and retracted their statements. The process of Brunson's arrest and release itself actually proves that the justice system in Turkey is corrupted and it seems like courts are enforcing orders given by President Erdogan. Most cases are only based on secret witness statements and people do not even know who accuses them. In cases attracting international attention, like Brunson's, witnesses retract their statements and the case is solved quickly as there is no other evidence left. All these raise doubts that cases are generated with nothing concrete other than planted evidences.

These concerns were also pointed out on social media posts about Brunson's trial. Human rights activist Sezgin Tanrikulu, parliamentarian of the Republican People's Party (CHP) which is the main opposition party in Turkey, posted that Brunson's last trial demonstrates how people are unjustly treated via "secret witness statements" and that judiciary is surrendered to political authorities. Similarly, Henri Barkey, a professor of political science at Lehigh University, PA wrote regarding Brunson's trial that "So what is new they manufactured not just evidence but a whole fantastic case with bizarre accusations. They will prove that Turkish justice is nothing but a sham and that almost every other case is just like this one. Kavala, the Altan brothers, etc. People suffering in jail for nothing." Senators Bob Menendez and Roger Wicker also wrote similarly that while they welcome the release of Brunson, they called the Turkish government to release all other innocent people as well as asked the Trump administration to continue to hold Turkey accountable for all unjust arrests.

.

<sup>&</sup>lt;sup>37</sup> Tanrikulu, Sezgin (@MSTanrikulu). "İnsanların "gizli tanıklık" denilen rezaletle nasıl mağdur edildiğinin, yargının bu rezalete nasıl teslim olduğunun bütün dünyaya gösterildiği bir duruşma yapılıyor. Yargıyı, hukuku, adaleti bu hale getirenlere yazıklar olsun..." 12 Oct. 2018, 5:41 am. Tweet.

<sup>&</sup>lt;sup>38</sup> Barkey, Henri (@hbarkey). "So what is new they manufactured not just evidence but a whole fantastic case with bizarre accusations. They will prove that Turkish justice is nothing but a sham and that almost every other case is just like this one. Kavala, the Altans etc people suffering in jail for nothing." 12 Oct. 2018, 5:48 am. Tweet.

<sup>&</sup>lt;sup>39</sup> Menendez, Bob (@SenatorMenendez). "In July, I introduced the Turkey International Financial Institutions Act with @SenBobCorker due to our concerns over Pastor Brunson and others unjustly detained by Turkey. I join his family in this moment of great relief as Pastor Brunson will soon be on his way home." 12 Oct. 2018, 10:48 am; "But that is not enough. The Turkish gov't must also release all unjustly detained Americans, and our local staff. The Trump Administration must continue to hold Turkey accountable for all unjust detentions and human rights violations." 12 Oct. 2018, 10:48 am. Tweet.

<sup>&</sup>lt;sup>40</sup> Wicker, Roger (@SenatorWicker). "I welcome the release of Pastor Brunson from house arrest and look forward to his return to the United States. Thousands of Americans have been praying for this outcome. The charges against him are baseless, and he should never have served a single day in jail." 12 Oct. 2018, 9:02 am; "While this is a positive step by the Government of Turkey, I again urge the administration not to lift the Global Magnitsky sanctions currently in place on Turkish officials involved in the ongoing, unjust detention of American citizens and consulate employees." 12 Oct. 2018, 9:02 am. Tweet.



#### 4. Conclusion

To conclude, the Turkish government has failed to respect its obligations under international law protecting the rights of non-citizens as well as consular officials. Foreign citizens have been arrested without any credible evidence because of their links with the Hizmet Movement and facing inhumane treatment. Consular officials have only been given limited access to Turkish prisons to meet their citizens. Moreover, without due respect to diplomatic immunity, consular officials have also been detained and arrested.

Having in mind all these, we, as the Advocates of Silenced Turkey, urge authorities to raise awareness and take all necessary steps to end this worrying situation.



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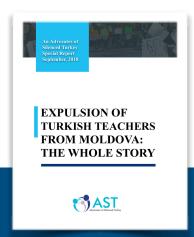
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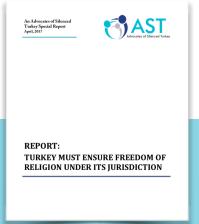
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# **AST REPORTS**













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